

PUBLIC NOTICE OF PROPOSED ACTION

NOTICE OF PROPOSED DESIGNATION ORDER WITHIN THE FISH LAKE VALLEY HYDROGRAPHIC BASIN (117), ESMERALDA COUNTY, NEVADA

The Nevada Division of Water Resources is accepting public comment on the proposed designation order for the Fish Lake Valley Hydrographic Basin, below. Please send any public comment in writing to the Nevada Division of Water Resources, Attention Tim Wilson, 901 S. Stewart Street, Carson City, Nevada 89701. The last date for submitting public comment is Friday, September 14, 2012.

PROPOSED ORDER

WHEREAS, NRS § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the ground-water basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved;

WHEREAS, the State Engineer designated the Fish Lake Valley Hydrographic Basin (117) as provided under the provisions of NRS § 534.030, by the following Order:

1. Order No. 704, dated February 10, 1978;

WHEREAS, the Nevada Division of Water Resources estimates the perennial yield of the Fish Lake Valley Hydrographic Basin is 30,000 acre-feet annually;¹[cite omitted]

WHEREAS, the committed groundwater resource in the form of permits and certificates of record issued by the Office of the State Engineer within the Fish Lake Valley Hydrographic Basin exceeds 65,000 acre-feet annually;

WHEREAS, current groundwater inventories conducted by the Nevada Division of Water Resources from 2007 to 2011 show the five year average pumpage of groundwater is 30,084 acre-feet annually;

WHEREAS, the Nevada Division of Water Resources measures groundwater levels at 29 active well net sites and finds that in many areas of Fish Lake Valley the water table is declining at a rate that justifies additional administration by the State Engineer;

NOW THEREFORE, it is ordered that, with the following exceptions, applications filed to appropriate water from the groundwater source pursuant to Chapter 534 of the Nevada Revised Statutes within the designated Fish Lake Valley Hydrographic Basin will be denied.

EXCEPTIONS:

1. Those applications filed for any beneficial purpose, except irrigation, which seek to appropriate 5.0 acre-feet annually or less.
2. Those applications filed pursuant to NRS § 533.371.
3. Those applications for environmental permits filed pursuant to NRS § 533.437.

4. Those applications filed for water from a geothermal aquifer.
5. Those applications filed to increase diversion rate only, with no corresponding increase in duty of water.
6. For any permit or certificate issued under the above exceptions, the water must remain appurtenant to the described place of use and used only in accordance with the term and conditions of the permit and certificate and may not be changed, dedicated, relinquished or otherwise used for any other purpose.

JASON KING, P.E.
State Engineer